

## REMARKS

By this amendment, claims 1-6 have been amended. Claims 1-7 remain in the application. Support for the amendments can be found the specification and drawings. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, withdrawal of the final action, and allowance of the application, as amended, is respectfully requested.

### **Rejection under 35 U.S.C. §101**

Claims 1-5 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. With respect to claims 1-5, Applicant respectfully traverses this rejection for at least the following reason. As now presented, claim 1 is directed to a method of encoding a digital video sequence for use within a video communication system. The type is encoded by a first encoding means and the disparity map is encoded by a second encoding means. The encoded type and the encoded disparity map are for use with the associated image or group of images in the video communication system. Accordingly, claim 1 is directed to statutory subject matter. Claims 2-5, which depend from claim 1, are also directed to statutory subject matter. Withdrawal of the rejection is requested.

Claims 4-5 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant respectfully traverses this rejection for at least the following reason. As now presented, claim 4 is directed to a computer-readable medium having encoded thereon a computer program for execution by an encoder. As now presented, claim 5 is directed to a computer-readable medium having encoded thereon a computer program for execution by a computer. The specification as amended 2005-01-05 in the paragraph on page 8, lines 1-3 recites "The set of instructions may be loaded into the programming memory by reading a data carrier in the form of a computer-readable medium, such as, for example, a disc." Accordingly, claims 4 and 5 are directed to statutory subject matter. Withdrawal of the rejection is requested.

**Rejection under 35 U.S.C. §102**

Claim 1 recites a method of encoding a digital video sequence for use within a video communication system, said digital video sequence comprising some sets of images including a disparity map comprising an image in which a disparity value is assigned to every pixel, said disparity map being used to reconstruct one image of a set of images from a reference image of said set of images, characterized in that the method comprises the steps of:

encoding with a first encoding means a type of the disparity map to be used for the reconstruction of an image, wherein the type represents the way that disparity values of the disparity map are to be translated; and  
encoding with a second encoding means the disparity map.

Support for the amendments to claim 1 (as well as for claim 6) can be found in the specification at least on page 3, lines 13-16; page 4, lines 1-5 and 28-31; page 5, lines 17-18; page 6, lines 2-3, 5-8, 11-15, 20-23 and 32-34; and Figures 1-2.

As presented herein, Claim 1 has been amended to more clearly articulate the novel and non-obvious distinct features thereof. For instance, as disclosed in the original specification on page 6, lines 20-23, an advantage of the present invention is to "tell the decoder, and therefore the receiver, how to use exactly the disparity representation on an image to reconstruct an image of a set of texture images from one another." In addition, on page 6, lines 28-32, another advantage of the present invention is that "it improves the reconstruction of a point of view on the basis of a reference point of view and the associated disparity map. Indeed, with the flag C1 and, as the case may be, with the parameters, the reconstruction of the reconstructed point of view is more precise and thus, the reconstructed point of view better fits the original point of view. The usage of the flag(s) to explain how the disparity map shall be interpreted allows consistent 3D effects to the viewer, whatever translation function was originally used to

encode the disparity values. Furthermore, as stated on page 7, lines 1-8, a third advantage of the present invention is that, "when it comes to the reconstruction of one view on the basis of a reference view and the associated disparity map, we have to fill the holes corresponding to parts of the reconstructed view that are not viewed in the reference view. The width of these holes depends on the dynamic of disparity and thus on the representation of the disparity map. If one wants to build an enhancement layer of images devoted to the filling of holes in the reconstructed views, precise references to the way to compute the disparity values is now available."

Claims 1-7 were rejected under 35 U.S.C. §102(b) as being anticipated by Chen (US 6,043,838, hereinafter referred to as "**Chen**"). Applicant respectfully traverses this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that  
*"[t]o anticipate a claim, the reference must teach every element of the claim...."*

Therefore, with respect to claim 1, to sustain this rejection the **Chen** reference must contain all of the above claimed elements of the respective claim. However, contrary to the examiner's position that all elements are disclosed in the **Chen** reference, the latter reference does not disclose "a disparity map comprising an image ... the method comprises ... encoding ... a type of the disparity map to be used for the reconstruction of an image, wherein the type represents the way that *disparity values* ... are to be *translated*; and encoding ... the disparity map" [*emphasis added*] as is claimed in claim 1. Therefore, the rejection is not supported by the **Chen** reference and should be withdrawn.

In contrast, the **Chen** reference discloses a view offset estimation for stereoscopic video coding in which "[e]fficient coding of a stereoscopic video depends not only on motion compensation, but also on disparity (e.g., cross-channel or cross-layer) prediction. ... This is achieved by optimally estimating the global location-offset of

a scene between pictures of two views at the same temporal reference point." See for example, at least column 6, lines 17-24 of **Chen**. Accordingly, the **Chen** reference does not disclose "a disparity map comprising an image ... the method comprises ... encoding ... a type of the disparity map to be used for the reconstruction of an image, wherein the type represents the way that *disparity values* ... are to be *translated*; and encoding ... the disparity map" as is claimed in claim 1.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

Claims 2-5 depend from and further limit independent claim 1 and therefore are allowable as well. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

With respect to claim 6, the same has been amended herein in a similar manner as with respect to the amendment to claim 1. Claim 6 is believed allowable over the **Chen** reference for the reasons stated herein above with respect to overcoming the rejection of claim 1. Accordingly, claim 6 is allowable and an early formal notice thereof is requested. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

Claim 7 depends from and further limits independent claim 6 and therefore is allowable as well. The 35 U.S.C. §102(b) rejection thereof has now been overcome.

## **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1 and 6 are in condition for allowance. Claims 2-5 depend from and further limit independent claim 1 and therefore are allowable as well. Claim 7 depends from and further limits independent claim 6 and therefore is allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 1-7 is requested.

Respectfully submitted,

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